

REMARKS

Claims 13 and 15 stand objected to based on informalities associated with their respective claim language. As applicant has cancelled these claims, it is submitted that these objections are now moot and should be withdrawn.

Claims 1-13 stand rejected under 35 U.S.C. 102(c) as anticipated by U.S. Patent No. 7117975 to Matoba (hereinafter, 'Matoba'), and in the alternative, under 35 U.S.C. 103 (a) as being obvious over Matoba.

Claim 15 stands rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5799760 to Small (hereinafter, 'Small'), and in the alternative, under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5332071 to Duncan (hereinafter, 'Duncan').

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Matoba in view of U.S. Patent No. 3578376 to Hasegawa (hereinafter, 'Hasegawa').

While Applicant respectfully disagrees these rejections, Applicant has nevertheless cancelled claims 1-15 and added new claims 16-31 which further define Applicant's invention over the cited art. Applicant reserves the right to pursue any cancelled subject matter in one or more continuation applications.

Applicant submits that the cited art does not teach or suggest all of the features and limitations of the new claims.

In particular, amended claim 16 recites a fall arrest system for use with a fall arrest device. The fall arrest system of claim 16 includes, *inter alia*:

**an upper anchor point secured in a fixed position;**

a first energy absorbing means coupled to said upper anchor point;

**a lower anchor point secured in a fixed position vertically below said upper anchor point and said first energy absorbing means; and**

**a cable extending vertically between said first energy absorbing means and said lower anchor point, wherein said upper anchor point and said lower anchor point exert opposed tensile forces that are imparted on said cable extending between said first energy absorbing means and said lower anchor point such that said cable is pre-tensioned,**

**wherein said first energy absorbing means is connected to said cable and controls a shock load applied to said upper anchor point resulting from forces applied by the fall arrest device to said cable during a fall arrest event.**

Nowhere does the cited art teach or suggest these limitations.

Matoba discloses a movable chain 7 which rotates about a sprocket G as shown by the arrow in FIG. 1 and described in Col. 7 with reference to FIG. 7, (in particular at lines 60-64). A coil spring 15 (the purported energy absorbing means) and light duty spring 14 support a vertically movable housing 2 (Col. 4, lines 3-6). The Examiner has asserted that the upper and lower anchor points are the upper and lower ends of the chain 7. However, the upper "end" of the chain 7 is wrapped around the sprocket G which is mounted in the vertically movable housing (Col. 4, lines 1-2). Thus, the upper anchor point of Matoba as referenced by the Examiner is not secured in a fixed position as required by claim 16.

Moreover, the coil spring 15 of Matoba is not connected to the "cable" as required by claim 16. Instead, the chain ("cable") 7 extends upward through the coil spring 15.

Finally, claim 16 requires that the first energy absorbing means control a shock load applied to the upper anchor point resulting from forces applied by the fall arrest device to the cable during a fall arrest event. The Examiner has asserted that element 'F' of Matoba corresponds to a fall arrest device, and that the coil spring 15 controls the shock load applied to the upper anchor point (which, as discussed above, the Examiner has referred to as the upper end of the chain 7) resulting from forces applied by the fall arrest device (F) to the cable during a fall arrest event. These statements are clearly erroneous. The coil spring 15 of Matoba has no relationship whatsoever to the load applied to the upper anchor point. Instead, the coil spring simply supports the vertically movable housing 2, and compresses in response to downward movement of the housing while exerting an upward force thereon to provide a cushioning property as the housing descends. Such structure does not effect the force applied by the escape hook F on the chain 7 and upper anchor point, which is directly coupled to the sprocket G. Thus, the coil spring 15 does not control a shock load applied to the upper anchor point resulting from forces applied by the fall arrest device to the cable as required by claim 16.

Small discloses an energy absorbing device for safely arresting moving bodies. FIG. 1 of Small discloses a horizontally disposed safety track. FIG. 1 of Small does not disclose a cable extending vertically between the first energy absorbing means and a lower anchor point secured in a fixed position vertically below the upper anchor point as required by claim 16. FIG. 2 of Small does not disclose a lower anchor point at all, let alone a lower anchor point secured in a fixed position vertically below the upper anchor point as required by claim 16, or upper and lower anchor points which exert opposed

tensile forces that are imparted on the cable extending between the first energy absorbing means and the lower anchor point such that said cable is pre-tensioned as required by claim 16.

For these reasons, claim 16 is patentable in light of the cited art.

Claims 17-27, all of which depend from claim 16, are patentable for the same reasons that claim 16 is patentable, and for reciting additional limitations not shown or suggested by the cited art.

For example, claim 23 recites a third energy absorbing means coupled to and operably disposed adjacent the lower anchor point and connected to the cable, wherein the third energy absorbing means also controls the shock load applied to the upper anchor point resulting from forces applied by the fall arrest device to the cable during the fall arrest event. These limitations are not disclosed or suggested by the cited art. Matoba and Small only disclose placing energy absorbing means at an upper portion of the cable, not one which is connected to the cable adjacent a fixed lower anchor point as required by claim 23.

Claim 28 is patentable for the same reasons that claim 16 and claim 23 are patentable.

Claims 29 and 30, both of which depend from claim 28, are patentable for the same reasons that claim 28 is patentable, and for reciting additional limitations not disclosed or suggested in the cited art.

Claim 31 is patentable for the same reasons that claim 16 is patentable.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

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